



Agenda Sheet for City Council Meeting of:
08/19/2013

Date Rec'd	8/7/2013
Clerk's File #	ORD C35021
Renews #	
Cross Ref #	RES 2012-0079
Project #	
Bid #	
Requisition #	

Submitting Dept	WASTEWATER MANAGEMENT
Contact Name/Phone	DALE ARNOLD 625-7900
Contact E-Mail	DARNOLD@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	4310 LOW IMPACT DEVELOPMENT

Agenda Wording

An ordinance regarding low impact development and amending SMC sections 13.03.1112; 13.03.1137; 17A.020.120; 17C.110.410; 17C.120.230; 17C.130.230; 17C.200.060; 17D.060.030; 17H.010.020; 17H.010.030 and adopting a new section 17D.060.300 to (cont.)

Summary (Background)

The proposed SMC amendments encourage and incentivize the use of low impact development (LID) in Spokane. Ordinance language was created pursuant to a Consent Decree with the Spokane Riverkeeper and in preparation of future NPDES permit requirements to allow developers to use LID to meet stormwater management requirements. The proposed amendments include provisions for stormwater fee discounts, allows for the use of pervious concrete on sidewalks, encourages LID in street layout (cont.)

Fiscal Impact		Budget Account	
Neutral	\$		#
Select	\$		#
Select	\$		#
Select	\$		#
Approvals		Council Notifications	
Dept Head	ARNOLD, DALE	Study Session	July 29, 2013
Division Director	ROMERO, RICK	Other	
Finance	LESESNE, MICHELE	Distribution List	
Legal	BURNS, BARBARA	pdolan@spokanecity.org	
For the Mayor	SANDERS, THERESA	Tax & Licenses	
Additional Approvals		darnold@spokanecity.org	
Purchasing		lhendron@spokanecity.org	
		rromero@spokanecity.org	
		eschoedel@spokanecity.org	
		lschmidt@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

chapter 17D of the Spokane Municipal Code.

Summary (Background)

design, and adopts the Eastern Washington LID Guidance Manual as an optional reference for guidance on the design of stormwater facilities.

Fiscal Impact

Budget Account

Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

Distribution List

ORDINANCE NO. _____

AN ORDINANCE regarding low impact development and amending SMC sections 13.03.1112; 13.03.1137; 17A.020.120; 17C.110.410; 17C.120.230; 17C.130.230; 17C.200.060; 17D.060.030; 17H.010.020; 17H.010.030 and adopting a new section 17D.060.300 to chapter 17D of the Spokane Municipal Code; and setting an effective date..

WHEREAS, in December 2009, the Riverkeeper, a program of the Center for Justice in Spokane, Washington, filed a 60-day notice with the City of Spokane alleging violation of the City's Phase II Permit from the Washington State Department of Ecology and the federal Clean Water Act; and

WHEREAS, on August 23, 2011, the City of Spokane and the Riverkeeper entered into a Consent Decree ("Consent Decree") in an effort to improve the water quality of the Spokane River consistent with the goal and objectives of the Clean Water Act; and

WHEREAS, as part of the Consent Decree, the City of Spokane is required to by August 23, 2013, develop a draft ordinance with monetary and other incentives for encouraging Low Impact Development (LID); and present the draft ordinance to City Council for consideration; and

WHEREAS, simultaneously to this process, the Eastern Washington LID Guidance Manual is being prepared to provide site planning tools, best management practices and information for creating a strong LID program and will be incorporated into the LID ordinance process; and

WHEREAS, the City of Spokane has developed a Draft LID Ordinance which outlines incentives for encouraging Low Impact Development; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 13.03.1137 is amended to read as follows:

13.03.1137 Stormwater Charge

A. All premises served within the City's storm sewer service area shall pay a storm

sewer user or stormwater charge except as provided herein.

1. The stormwater charge is computed based upon classification of the account or premises served as domestic or commercial.
2. The minimum charge is at least one domestic user charge for all accounts, notwithstanding any other provision.
3. The storm sewer user charge is calculated by the director ((for storm sewer service to all premises)) in accord with SMC 13.03.1008.

B. Commercial Stormwater Charge Discounts.

1. For those subject to a commercial charge, the director shall grant a ten percent discount upon application by the customer, and a showing of approved on-site stormwater detention facility.
 - a. Such facilities may include drywells, detention ponds, grassy swales, and the like.
 - b. An additional ten percent discount shall be granted to those qualifying under the first discount category, who also apply therefore and demonstrate approved on-site stormwater treatment practices, such as grassy swales.
2. ((To the extent not already addressed in subsection (B)(1) of this section, where a customer shows that it pays City sewer utility system charges for storm or surface water sewer utility system service for a)) Commercial charges for a new or remodeled commercial building that utilizes a permissive rainwater harvesting system or vegetated roof, as recognized by the director, ((such charges)) shall be reduced by ten percent.
 - a. To be eligible for a reduction under this subsection (B)(2), the permissive rainwater harvesting system or vegetated roof must be properly sized to utilize all of the available roof surface of the building.
 - b. For purposes of administration, a “commercial building” is presumed to be a building on premises billed “commercial user”

stormwater user charges under SMC 13.03.1008(B).

- c. "New or remodeled" shall mean a building built new or substantially remodeled. ((after July 26, 2003.))

3. The director may grant an additional ten percent discount on application by the customer, showing the use of low impact development facilities for stormwater management.

a. Such facilities may include permeable pavement, bioretention areas, infiltration planters, and other low impact development Best Management Practices as approved by the Washington State Department of Ecology and City of Spokane. Bio-infiltration swales (commonly referred to as grassy swales) are not eligible for this discount.

b. Facility maintenance is required for continuation of this discount. Maintenance requirements for low impact development facilities can be found in the Eastern Washington Low Impact Development Guidance Manual and/or manufacturer guidelines.

C. To obtain a discount under subsection (B) of this section, a customer must file a completed written application on forms approved by the director and pay an inspection fee ((every two years depending)) based on the number of impervious ((acreages)) acres to be inspected. All discounts are prospective from the date of inspection and shall not exceed the maximum allowable discount of forty percent. The fee for inspections:

1. up to one impervious acre: Zero dollars,
2. one to five impervious acres: Fifty dollars,
3. five to ten impervious acres: One hundred dollars,
4. ten to twenty impervious acres: Two hundred dollars, and
5. over twenty impervious acres: Four hundred dollars.

The inspection certification approving discount eligibility under subsection (B)(1)

is good for the functional life of the facility. The inspection certification approving discount eligibility under subsections (B)(2) and/or (B)(3) is good for ((two)) five years. The director administers this program with such additional rules as he shall provide, and may assess additional charges for administrative costs not encompassed herein.

- D. No general stormwater service charges under SMC 13.03.1008 are made to customers receiving such service from the Spokane International Airport (SIA) authority at Geiger Field and vicinity, where the airport authority maintains good and sufficient stormwater service for said customers and the authority accepts full and continuing responsibility for the design, construction, maintenance, operation, upkeep, and replacement of all stormwater facilities in such area, and where the authority accepts full and separate responsibility for compliance with all stormwater permit and regulatory requirements of all jurisdictional regulatory agencies, including the Washington State department of ecology's stormwater management and control permit regulations and requirements.

Section 2. That SMC section 13.03.1112 is amended to read as follows:

13.03.1112 “Commercial User Charge”

“Commercial user charge” means the charge applied to a commercial user service account for the cost of treating the volume of wastewater from that service account of a standard strength of BOD, SS and P, plus a surcharge for the treatment of wastewater of more than standard wastewater strength as determined by wastewater monitoring, from a specific commercial user. Stormwater, also listed with commercial user charges, are:

- A. General Stormwater Service Charges.
These are imposed for right-of-way maintenance and operations functions relating to stormwater management and control, fairly apportioned to the commercial user's benefit enjoyed/burden created; and
- B. A CSO (Combined Sewer Overflow) Stormwater User Surcharge.
The CSO Stormwater surcharge is only imposed on commercial users within the CSO service area as reflected in the GIS map on file with the director of wastewater management, which commercial (or industrial) uses also contribute stormwater flows directly into the combined sewer system.

1. CSO Stormwater User Surcharge Discounts

a. Where a customer pays CSO stormwater user surcharges for a new or remodeled commercial building that utilizes a permissive rainwater harvesting system or vegetated roof, as recognized by the director, such charges shall be reduced by ten percent.

i. To be eligible for a reduction under this subsection the permissive rainwater harvesting system or vegetated roof must be properly sized to utilize all of the available roof surface of the building.

ii. For purposes of administration a “commercial building” is defined to be a building on premises billed “CSO stormwater user surcharge” under SMC 13.03.1008(B).

iii. “New or remodeled” shall mean a building built new or substantially remodeled.

b. The director shall grant an additional ten percent discount on application by the customer showing the use of low impact development facilities for stormwater management.

i. Such facilities may include permeable pavement, bioretention areas, infiltration planters, and other low impact development best management practices as approved by the Washington state department of ecology and the City of Spokane.

II. Facility maintenance is required for continuation of this discount. Maintenance requirements for low impact development facilities can be found in the Eastern Washington Low Impact Development Guidance Manual and/or manufacturer guidelines

C. To obtain a discount under subsection (B)(1) of this section, a customer must file a completed written application on forms approved by the director and pay an inspection fee depending on the number of impervious acres to be inspected. All discounts are prospective from the date of inspection and shall not exceed

the maximum allowable discount of twenty percent. The fee for inspection is:

1. up to one impervious acre: Zero dollars;
2. one to five impervious acres: Fifty dollars;
3. five to ten impervious acres: One hundred dollars;
4. ten to twenty impervious acres: Two hundred dollars, and
5. over twenty impervious acres: Four hundred dollars.

The inspection certification approving discount eligibility under subsection (B)(1) is good for five years. The director administers this program with such additional rules as he shall provide, and may assess additional charges for administrative costs not encompassed herein.

- D. The commercial user charges are set forth in SMC 13.03.1008.

Section 3. That SMC section 17C.020.120 is amended to read as follows:

17A.020.120 "L" Definitions

- A. Land Surveyor.
An individual licensed as a land surveyor pursuant to chapter 18.43 RCW.
- B. Land Use Codes.
Those provisions of this code that relate to:
1. zoning,
 2. subdivision,
 3. shorelines management,
 4. stormwater control,
 5. flood zones,

6. critical areas,
7. signs,
8. skywalks, and

include chapter 17D.020 SMC, chapter 17D.050 SMC, chapter 17D.060 SMC, chapter 17D.090 SMC, chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, and chapter 17G.080 SMC.

C. Landscape Plan.

A scale drawing showing site improvements and landscaping required under chapter 17C.200 SMC the following elements:

1. Footprint of all structures.
2. Final site grading.
3. All parking areas and driveways.
4. All sidewalks, pedestrian walkways, and other pedestrian areas.
5. Location, height, and materials for all fences and walls.
6. Common and scientific names of all plant materials used, along with their size at planting and location of all plant materials on the site.

D. Landslide.

Rapid sliding of large masses of rock, soil, or material on steep mountain slopes or from high cliffs.

E. Latah Formation.

Sedimentary layer of claystone to fine-grained sandstone in which very finely laminated siltstone is predominant. The fresh rock ranges in color from various shades of gray to almost white, tan and rust. Much of the finer grained layers contain leaf imprints and other plant debris. Because of its generally poorly consolidated state, the Latah rarely outcrops. It erodes rapidly and therefore is usually covered with later deposits or in steeper terrain hidden under the rubble

of overlying basaltic rocks.

- F. Launch Ramp.
An inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand.
- G. "Ldn" means a day-night average sound level and serves as a basic measure for quantifying noise exposure, namely, the A-weighted sound level averaged over a twenty-four hour time period, with a ten decibel penalty applied to nighttime (ten p.m. to seven a.m.) sound levels.
- H. Leak Detection.
A procedure for determining if the material in a primary container has escaped into the outside environment or has invaded an interstitial space in a multiple containment system.
- I. Levee.
A natural or artificial embankment on the bank of a stream for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.
- J. Level of Service Standard.
The number of units of capacity per unit of demand. The level of service standards used on concurrency tests are those standards specified in the adopted City of Spokane comprehensive plan.
- K. Lighting Methods.
 - 1. Direct.
Exposed lighting or neon tubes on the sign face. Direct lighting also includes signs whose message or image is created by light projected onto a surface.
 - 2. Indirect.
The light source is separate from the sign face or cabinet and is directed to shine onto the sign.
 - 3. Internal.
The light source is concealed within the sign.

L. Lighting Plan.

A general site plan that includes:

1. location of all lighting fixtures on the site;
2. manufacturer's model identification of each lighting fixture;
3. manufacturer's performance specifications of each fixture;
4. a photometric plan of the installed fixtures, which demonstrates that all illumination is confined within the boundaries of the site.

M. Limited Industrial.

Establishments primarily engaged in on-site production or assembly of goods by hand manufacturing involving the use of hand tools and small-scale equipment and may have the incidental direct sale to consumers of those goods produced on-site. Typical uses include:

1. on-site production of goods by hand or artistic endeavor;
2. placement of digital or analog information on a physical or electronic medium;
3. manufacture, predominantly from previously prepared materials, of finished products or parts, provided the noise, light, smell, or vibration does not extend beyond the site; and
4. research of an industrial or biotechnical nature.

All activity must be conducted totally within the structure with no outdoor storage.

N. Listed Species.

A fish or wildlife species on a state or federal species of concern list. Possible designations could include endangered, threatened and sensitive.

O. Littoral Drift.

The natural movement of sediment, particularly sand and gravel, along

shorelines by wave action in response to prevailing winds or by stream currents.

P. Local Access Street.

A street that provides access from individual properties to collector and minor arterials.

Q. Lot.

1. "Lot" is a parcel or tract of land so designated on a recorded plat or assessors plat, or:
 - a. in an unplatted area, a tract having frontage on a public street or private street within a planned unit development or binding site plan and having the minimum size and dimensions required for a building site by the zoning code; or
 - b. a building site designated as such on an approved planned development plan; or
 - c. an unplatted area, legally created, and having the minimum size and dimensions required for a building site by the zoning code, but that does not have frontage on a public street.
2. A tract consisting of more than one contiguous lot may be considered as one lot for development purposes, subject to interpretation of the location of the front and rear yards.
3. A "corner lot" is a lot bounded on two adjacent sides by intersecting public streets.
4. An "inside lot" is a lot other than a corner lot.
5. A "through lot" is a lot bounded on opposite sides by parallel or approximately parallel public streets.

R. Lot Depth.

The depth of a lot is the horizontal distance between the front lot line and the rear lot line measured in the mean direction of the side lot lines.

S. Lot Lines.

The property lines along the edge of a lot or site.

1. "Front lot line" means a lot line, or segment of a lot line, that abuts a street.

- a. ((1.)) On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.
- b. ((2.)) However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.

2. "Rear lot line" means a lot line that is opposite a front lot line.

- a. A triangular lot has two side lot lines but no rear lot line.
- b. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

3. "Side lot line" means a lot line that is neither a front nor rear lot line.

a. On a corner lot, the longer lot line, which abuts a street, is a side lot line.

4. "Side street lot line" means a lot line that is both a side lot line and a street lot line.

5. "Street lot line" means a lot line, or segment of a lot line, that abuts a street.

- a. "Street lot line" does not include lot lines that abut an alley.
- b. On a corner lot, there are two (or more) street lot lines.
- c. Street lot lines can include front lot lines and side lot lines.

T. Lot Width.

The width of a lot is the horizontal distance between the side lot lines measured

on a line intersecting at right angles the line of the lot depth thirty feet from the front lot line.

U. Low Impact Development (LID).

((1. A method of managing stormwater that aims to mimic the predevelopment hydrologic conditions of the site by using existing soil, vegetation, and topography to detain runoff and remove pollutants.

1. ((2.)) ((LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product (EPA definition))) LID is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

V. Low Visual Impact Facility.

For the purposes of administration of this code, a low visual impact facility includes a small diameter (three feet or less) antenna or antenna array located on top of an existing pole or on a replacement pole. (See also SMC 17A.020.010, Alternative Tower Structure.)

W. Lowest Floor.

The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of SMC 17E.030.140.

Section 4. That SMC section 17C.110.410 is amended to read as follows:

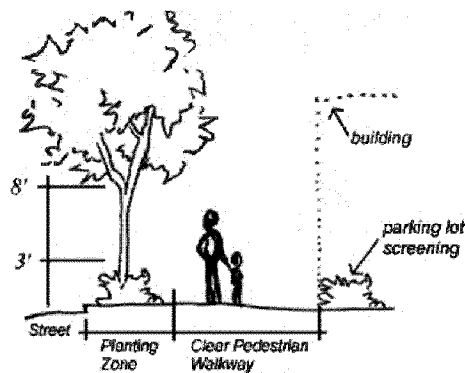
17C.110.410 Sidewalks

A. Purpose.

To provide continuous, safe, and consistent pedestrian system with connectivity to the street right-of-way and the neighborhood.

B. Sidewalk Implementation.

1. Sidewalks shall have the minimum dimension of five feet, even if part of the width is located on private property. This dimension shall be applied to the clear, unobstructed pathway between the planting behind the curb and building facades or parking lot screening. (R)



2. Sidewalks shall be continuous, without gaps between developments. (R)
3. Unless otherwise required or where larger plaza areas are provided, sidewalk paving materials shall be consistent with the street frontage improvements of adjacent developments. (P)
4. Sidewalks within the public right-of-way shall be concrete, two-foot grid, standard sidewalk color and float finish. (R)
5. Pervious concrete may be used in the design and construction of sidewalks, where feasible.

Section 5. That SMC section 17C.130.230 is amended to read as follows:

17C.120.230 Setbacks and Sidewalks

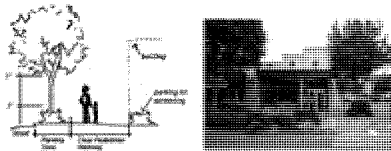
A. Purpose.

The required structure setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The setback requirements for areas that abut single-family residential zones promote commercial development that will maintain light, air and the potential for privacy for adjacent single-family residential zones. The sidewalk standards provide a continuous, safe, and consistent street frontage character along the street right-of-way.

B. Setback and Required Sidewalk Width Standards.

The setback standards for all structures are stated in Table 17C.120-2 and as stated below.

1. Structures shall be no closer than twelve feet from the back of the curb except as provided in subsection (B)(3) of this section.
2. Sidewalks are required to be constructed and shall be at least twelve feet wide and consist of a clear walking path at least seven feet wide (in addition to planting zone for street trees per SMC 17C.200.050). Part of the sidewalk width may be located on private property. The sidewalk dimension shall be measured from back of curb to building facades or parking lot screening.



3. The required sidewalk width may be reduced by approval of the planning director if the existing sidewalk (distance between the curb and the building) is less than twelve feet wide between the back of curb and the existing building setback line of adjacent building(s). In no case shall the setback be reduced below nine feet from the back of the curb unless on-street parking exists between the building and the street.
4. Unless otherwise required or where larger plaza areas are provided, sidewalk paving material shall be concrete, two-foot grid, standard sidewalk color, and float finish.
5. Pervious concrete may be used in the design and construction of sidewalks, where feasible.

C. Exception to the Setback Standards.

1. Where a site is split between more than one zone and a structure is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.
2. Detached Accessory Structures.
The setback standards for detached accessory structures are stated in SMC 17C.120.300. Fences are addressed in SMC 17C.120.310. Sign standards are in chapter 17C.240 SMC, Signs.

D. Extensions Into Required Structure Setbacks.

The following features attached to structures are allowed as exceptions to the setback standards except they shall not reduce the required sidewalk width of subsection (B) of this section.

1. Minor Projections of Features Attached to Structures.
 - a. Minor Projections Allowed.
Minor features of a structure, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps and uncovered decks or balconies, may extend into a required structure setback up to twenty percent of the depth of the setback. However, they may not be within three feet of a lot line when a setback is required. Bays and bay windows extending into the setback also must meet the following requirements:
 - i. Each bay and bay window may be up to twelve feet long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent of the area of the facade.
 - ii. At least thirty percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block.
 - iii. Bays and bay windows must cantilever beyond the foundation of the structure; and

- iv. The bay may not include any doors.
 - b. **Full Projection Allowed.**
In addition to subsection (D)(1)(a) of this section, the following features are allowed to project farther into required structure setbacks:
 - i. Canopies, marquees, awnings and similar features may fully extend into a street setback and may extend into the public right-of-way subject to the requirements of SMC 17F.040.140.
 - ii. Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback.
 - iii. Uncovered decks and stairways that are no more than forty-two inches above the ground may fully extend into a required structure setback; and
 - iv. On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than forty-two inches above the average sidewalk elevation may fully extend into a required structure setback.
 - v. Balconies may extend into public rights-of-way as allowed in the building code.
 - c. **Projections Not Allowed.**
Attached mechanical structures such as heat pumps, air conditioners, emergency generators and water pumps are allowed in a street setback but not in a required setback from an abutting residential zone.
2. Underground structures are permitted in all setbacks.

Section 6. That SMC section 17C.130.230 is amended to read as follows:

17C.130.230 Setbacks and Sidewalks

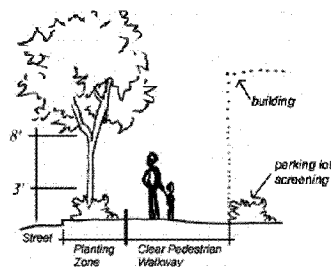
A. Purpose.

The required structure setbacks promote streetscapes that are consistent with the desired character of the different industrial zones. The setback requirements for areas that abut single-family residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent single-family residential zones. The sidewalk standards provide a continuous, safe, and consistent street frontage character along the street right-of-way.

B. Setback and Required Sidewalk Width Standards.

The setback standards for all structures are stated in Table 17C.130-2, Industrial Zones Development Standards, and as stated below.

1. Structures shall be no closer than twelve feet from the back of the curb except as provided in subsection (B)(3) of this section.
2. Sidewalks are required to be constructed and shall consist of a clear walking path at least five feet wide (in addition to a minimum five-foot wide planting zone for street trees). Part or all of the sidewalk width may be located on private property. The sidewalk dimension shall be applied to the clear, unobstructed pathway between the planting behind the curb and building facades or parking lot screening.



3. The required sidewalk width may be reduced by approval of the planning director if the existing sidewalk (distance between the curb and the building) is less than twelve feet wide between the back of curb and the existing building setback line of adjacent building(s). In no case shall the setback be reduced below nine feet from the back of the curb unless on-street parking exists between the building and the street.

4. Unless otherwise required or where larger plaza areas are provided, sidewalk-paving material shall be concrete, two-foot grid, standard sidewalk color and float finish.
5. Pervious concrete may be used in the design and construction of sidewalks, where feasible.

C. Exceptions to the Setback Standards.

1. Where a site is split between more than one zone and a structure is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.
2. Detached Accessory Structures.
The setback standards for detached accessory structures are stated in SMC 17C.130.300. Fences are addressed in SMC 17C.130.310. Sign standards are in chapter 17C.240 SMC, Sign Code.

D. Extensions into Required Structure Setbacks.

The following features attached to structures are allowed as exceptions to the setback standards except they shall not reduce the required sidewalk width of SMC 17C.130.230.

1. Minor Projections of Features Attached to Structures.
 - a. Minor Projections Allowed.
Minor features of a structure, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies may extend into a required structure setback up to twenty percent of the depth of the setback. However, they may not be within three feet of a lot line when a setback is required. Bays and bay windows extending into the setback also must meet the following requirements:
 - i. Each bay and bay window may be up to twelve feet long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent of the area of the facade.

- ii. At least thirty percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block.
 - iii. Bays and bay windows must cantilever beyond the foundation of the structure; and
 - iv. The bay may not include any doors.
- b. Full Projection Allowed.
- In addition to subsection (D)(1)(a) of this section, the following features are allowed to project farther into required structure setbacks:
- i. Canopies, marquees, awnings, and similar features may fully extend into a street setback and may extend into the public right-of-way subject to the requirements of SMC 17F.040.140.
 - ii. Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback.
 - iii. Uncovered decks and stairways that are no more than forty-two inches above the ground may fully extend into a required structure setback; and
 - iv. On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than forty-two inches above the average sidewalk elevation may fully extend into a required structure setback.
 - v. Balconies may extend into public rights-of-way as allowed in the building code.
- c. Projections Not Allowed.
- Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback but not in a required setback from an abutting

residential zone.

2. Underground structures are permitted in all setbacks.

Section 7. That SMC section 17C.200.060 is amended to read as follows:

17C.200.060 Stormwater Drainage

Vegetated stormwater facilities, such as ((“Infiltration” or)) “bio-infiltration” swales, bioretention areas, and infiltration planters, as defined by the State of Washington Department of Ecology’s “best management practices,” ((required for the handling of storm water drainage)) may be incorporated into the required landscape areas, provided neither the stormwater management ((drainage functionality)) nor the landscape requirements are compromised.

Section 8. That SMC section 17D.060.030 is amended to read as follows:

17D.060.030 Standards

- A. The director determines stormwater control design standards and regulations (also referenced as "standards"), including those for onsite stormwater facilities, and determines their applicability to particular areas of the City of Spokane, plats and premises, consistent with the legislative findings of this chapter.
- B. Standards References.
The following documents are hereby adopted by reference. They address general requirements and may be modified or supplemented in other specific sections.
 1. Standard Specifications of the Washington State department of transportation, latest edition.
 2. General Special Provisions of the City of Spokane, latest edition.
 3. City of Spokane Design Standards and Standard Plans, latest edition.
 4. The Spokane Regional Stormwater Manual, latest edition.
 5. Guidance for UIC Wells that Manage Stormwater by Washington State

department of ecology dated December 2006 (Publication Number 05-10-067).

6. Spokane Aquifer Water Quality Management Plan. Spokane County, Washington "208" Program. County engineers office.

The above standard references are on file with the director.

C. Low Impact Development is not a requirement at this time, however if low impact development techniques are used, then the Eastern Washington Low Impact Development Guidance Manual should be followed.

D. The standard references are periodically republished. Between a general republication the department of engineering services maintains an updated copy and may publish modifications or updates in the Official Gazette. The department of engineering services also maintains a distribution list of parties requesting such updates. Unless otherwise ordered, the changes are effective thirty calendar days from the date of the Official Gazette issue in which they are published

Section 9. That SMC section 17H.010.020 is amended to read as follows:

17H.010.020 Design Variance Requests

- A. Deviations from the standards in this section must be submitted in writing to the ((director of engineering services)) city engineer and approved prior to the submittal of engineering plans for review.
- B. The decision criteria for a design variance request are provided below:
 1. Is the proposed variance part of an overall, thoughtful and comprehensive approach to the design of the project as a whole?
 2. Is the variance necessary to better address aspects of the site or its surroundings?
 3. Is the specific change superior in design quality and function to that potentially achieved by the development standard as written?

4. Does the proposal meet the intent and the general direction set forth by the development standard as written?
 5. Will the proposal require additional maintenance or repair by the City or a property owners' association compared to a standard street section?
 6. Does the proposal provide acceptable levels of accessibility, safety and convenience for all street users, including pedestrians, bicycles, vehicles and emergency service providers?
 7. Does the site design provide for adequate on-street and off-street parking to serve the area?
 8. Does the proposal provide a benefit to the community including improved safety, improved site design, the creation of street canopies through landscaping or secondary lot access through the use of alleys?
 9. Does the proposal use low impact development (LID) techniques and manage stormwater as outlined in the Eastern Washington LID Guidance Manual and the Spokane Regional Stormwater Manual?
- C. Situations where the street design is constrained by topography, the size and shape of the property, the presence of critical areas or environmental resources, existing development, or existing narrow rights-of-way will be evaluated on a case-by-case basis.
- D. Potential additional cost to meet these development standards is not in itself justification for a design variance.

Section 10. That SMC section 17H.010.030 is amended to read as follows:

17H.010.030 Street Layout Design

- A. Street design is governed by the comprehensive plan and city design standards.
- B. Streets shall be designed in light of topography and existing and planned

street patterns. It is encouraged that low impact development principles be considered, evaluated and utilized where practical as described in the Eastern Washington Low Impact Development Guidance Manual.

- C. Adequate access shall be provided to all parcels of land. The street system shall facilitate all forms of transportation including pedestrians, bicycles, vehicles and emergency services.
- D. When property is divided into large parcels, streets shall be laid out so as to allow the addition of future streets in a consistent pattern in the event of redivision.
- E. Street names should be logical, consistent and understandable to satisfy the needs of emergency and delivery vehicles. Street names must be approved by the City and comply with the requirements of chapter 17D.050 SMC, Roadway Naming.
- F. The layout of new streets shall provide for the continuation of existing streets in adjoining subdivisions. If a public street or right-of-way terminates at a plat boundary, provisions shall be made for the extension of the public street to the adjacent property or to another public street in a manner consistent with public mobility and utility infrastructure needs.
- G. Street layout shall provide for future extension of streets into areas which are presently not subdivided.
- H. Traffic generators within the project should be considered and the street system designed appropriately. Individual projects may require a traffic study subject to chapter 17D.080 SMC, Voluntary Impact Fees, chapter 17D.010 SMC, Concurrency Certification, or chapter 17E.050 SMC, SEPA.
- I. The minimum centerline distance between intersections shall be one hundred fifty feet.
- J. Bordering arterial routes should be considered and design continuity provided.
- K. When any parcels in a subdivision adjoin an existing or proposed arterial

street, the hearing examiner may require access by way of frontage streets and may restrict access to the arterial.

- L. Subdivisions comprised of more than thirty lots shall include two access points acceptable to the city fire department and the director of engineering services.
- M. A grid pattern featuring more street intersections and shorter block lengths should be implemented wherever possible.
- N. Block lengths should not exceed six hundred sixty feet.
- O. A block width should allow for two tiers of lots between parallel streets and double frontage lots should be avoided.
- P. Permanent dead-end or cul-de-sac streets may be allowed when the property is isolated by topography or the configuration of existing platted lots and streets. Dead-ends and cul-de-sacs will be reviewed in every case for connectivity

Section 11. That there is adopted a new SMC section 17D.060.300 to read as follows:

17D.060.300 **Low Impact Development**

- A. The purpose of this section is to provide additional and optional stormwater management techniques beyond the standard best management practices listed in the Spokane Regional Stormwater Manual. These low impact development techniques strive to mimic pre-disturbance hydrological processes by emphasizing site conservation, use of on-site natural features, site planning, and distributed stormwater management practices.
- B. The Eastern Washington Low Impact Development Guidance Manual is hereby adopted by reference, as hereafter amended. This guidance manual addresses general requirements and may be modified or supplemented in other specific sections. This reference is on file with the director.
- C. Low impact development is encouraged for site development and

redevelopment. Compliance with the Basic Requirements of the Spokane Regional Stormwater Manual shall be met regardless of best management practices used. Certain low impact development techniques may be used to fulfill the basic requirements set forth in the Spokane Regional Stormwater Manual, as approved by the director.

Examples include, but are not limited to:

1. Bioretention areas and infiltration planters may be used to meet Basic Requirement No. 3 – Water Quality Treatment and Basic Requirement No. 4 – Flow Control.
 2. Flow-through planters may be used to meet Basic Requirement No. 3.
 3. Dispersion is generally not appropriate within City limits; however, it may be used to meet Basic Requirement 4.
 4. Rain gardens are non-engineered landscaped depressions designed to capture stormwater from small, adjacent contributing areas such as those found at residences. Rain gardens do not necessarily meet basic requirements and can be used where basic requirements do not apply.
 5. Permeable pavement may be used to meet Basic Requirement 4 only (unless an additional department of ecology-approved treatment mechanism is installed).
 6. Vegetated roofs may be address Basic Requirement 4.
- D. Low impact development is an emerging practice and specific design considerations will be updated over time. A supplemental resource to the Eastern Washington Low Impact Development Guidance Manual is the Washington Stormwater Center.

Section 12. Effective Date. This ordinance shall take effect and be in full force on October 1, 2013.

Passed by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendations
Proposed Amendments to Chapters 13.03; 17A.020; 17C.110; 17C.120;
17C.130; 17C.200; 17D.060; 17H.010; and adding new section 17D.060.300
regarding Low Impact Development to the Spokane Municipal Code

A recommendation from the City Plan Commission to the City Council to approve the draft Low Impact Development ordinance which amends Spokane Municipal Sections 13.03.1112; 13.03.1137; 17A.020.120; 17C.110.410; 17C.120.230; 17C.130.230; 17C.200.060; 17D.060.030; 17H.010.020; 17H.010.030 and adopting new section 17D.060.300 Low Impact Development.

Findings of Fact:

A. The Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A).

B. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act.

C. Under the Growth Management Act, comprehensive plans may be amended no more frequently than once a year. However, pursuant to Spokane Municipal Code (SMC) 17G.020.040 Amendment Exceptions, subsection G, "Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan" may be considered more frequently than once a year.

D. City of Spokane Comprehensive Plan, Natural Environment Chapter 9, Goal NE 1 Water Quality states: *Protect the Spokane Valley - Rathdrum Prairie Aquifer and other water sources so they provide clean, pure water.* Policy NE 1.2 Stormwater Techniques states: *Identify innovative stormwater techniques that protect ground and surface water from contamination and pollution.*

E. City of Spokane Comprehensive Plan, Natural Environment Chapter 9, Goal NE 4 Surface Water states: *Provide for clean rivers that support fish and aquatic life and that are healthy for human recreation.* Policy NE 4.3 Impervious Surface Reduction states: *Continue efforts to reduce the rate of impervious surface expansion in the community.*

F. Spokane Municipal Code, Title 17G, Administration and Procedures, Chapter 17G.025 Unified Development Code Amendment Procedures were used to prepare this proposed amendment to the Unified Development Code.

G. In December 2009, the Spokane Riverkeeper, a program of the Center for Justice in Spokane, Washington, filed a 60-day notice of intent to sue the City of

Spokane alleging violations of the City's Phase II Permit from the Washington State Department of Ecology and the federal Clean Water Act.

H. On August 23, 2011, the City of Spokane and the Spokane Riverkeeper entered into a Consent Decree in an effort to improve water quality of the Spokane River consistent with the goals and objectives of the Clean Water Act.

I. As part of the Consent Decree, the City of Spokane is required by August 23, 2013, to develop a draft ordinance with monetary or other incentives for encouraging low impact development (LID) and present the draft ordinance to the City Council for consideration.

J. Spokane Municipal Code requires any changes to Chapter 17 SMC be vetted through the City of Spokane Plan Commission.

K. Simultaneously to this process, the Eastern Washington Low Impact Development Guidance Manual is being prepared to provide site planning tools, maintenance requirements, best management practices and information for creating a strong low impact development program and will be incorporated into the low impact development ordinance process.

L. In addition to the Consent Decree requirements, the City of Spokane is also subject to the National Pollutant Discharge Elimination System (NPDES) Eastern Washington Phase II Municipal Stormwater Permit. The permit requires the City of Spokane to allow developers to use low impact development by December 31, 2017.

M. A Public Participation Plan (PPP) was developed to identify the public involvement opportunities for developing incentives useful to the community. A resolution supporting the PPP was passed by City Council September 24, 2012 (RES 2012-0079).

N. Low impact development utility bill inserts were sent to City of Spokane Citizens in the May 2012 utility billing statements. A complimentary web page on Wastewater's website including more information on low impact development was created at this time.

O. Low impact development brochures were put into pre-development packages starting July 2012. They are also available in the Permit Center, and links to a PDF of the brochure are in three different locations on the Planning & Development website as well as the Wastewater website.

P. Stakeholders Group Meetings were held on September 9, 2012; January 16, 2013; and May 29, 2013.

Q. The City's Technical Advisory Committee Meetings were held to review the ordinance concepts and language, as well as the Eastern Washington Low Impact Development Guidance Manual on July 30, 2012; December 12 & 13, 2012; February 20, 2013; and May 14, 2013.

R. The Low Impact Development Subcommittee met one to two times per month between the months of November 2011 and June 2013.

S. The City's integrated planning team was consulted on May 15, 2013.

T. The Spokane City Plan Commission held a workshop to study the proposed amendment on May 22, 2013 and June 12, 2013.

U. Notice of the SEPA determination and proposed adoption of the revisions to the SMC Chapters 13.03; 17A.020; 17C.110; 17C.120; 17C.130; 17C.200; 17D.060; 17H.010; and adding new section 17D.060.300 and announcement of the Plan Commission's July 10, 2013 hearing was published in the Spokesman Review on June 26 and July 3, 2013.

V. A State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on May 22, 2013 for the Low Impact Development Ordinance Revisions. The public comment period for the SEPA determination ended on June 5, 2013.

W. On June 12, 2013, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Unified Development Code. An acknowledgement letter from the Department of Commerce was received by the City on June 12, 2013.

X. The final Eastern Washington Low Impact Development Guidance Manual was published on June 30, 2013.

Y. The City Plan Commission held a Public Hearing on July 10, 2013 to obtain public comments on the proposed amendments; deliberations followed. Two public testimonies that favored the proposed amendment were heard by the Plan Commission. Six written testimonies received in favor of the proposed amendment.

Conclusions:

A. The Plan Commission has reviewed all public testimony received during the public hearings and has made changes to the draft documents during deliberations to address the testimony as considered appropriate.

B. The Plan Commission has found that the proposed amendments meet the approval criteria for text amendments to the Unified Development Code:

SMC 17G.025.010 (F) Approval Criteria:

1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

C. The proposed amendments, as amended, have been reviewed by the City Plan Commission and found to be in conformance with the goals and policies of the City's 2001 Comprehensive Plan, as well as the Spokane Municipal Code Chapter 17G.025.

Recommendations:

By unanimous vote, the Plan Commission recommends to the City Council the approval of the proposed amendment to the Unified Development Code, with changes as deliberated.

A handwritten signature in black ink that reads "Michael Ekins". The signature is written in a cursive, flowing style.

**Michael Ekins, President
Spokane Plan Commission**

July 10, 2013

Commercial Stormwater Discount Matrix

Rate: \$900.26/impervious acre/year

Code	Amendment?	Discount	Description	Explanation	Examples
13.03.1137 (B)(1) and (a)	Existing	10% (\$90/acre/yr)	Stormwater detention	SRSB Basic Requirement 4: Flow Control. This requires stormwater to be retained on-site. This requirement can be met through a number of different facility types, as long as stormwater does not leave the site.	Drywells, stormwater ponds, grassy swales
13.03.1137 (B)(1)(b)	Existing	10% (\$90/acre/yr)	Stormwater treatment	SRSB Basic Requirement 3: Water Quality Treatment. This requires stormwater to be treated. Grassy swales that provide treatment <i>in addition</i> to detention are designed differently. They are performing two functions.	Grassy swales designed for treatment, oil/water separators, filtration
13.03.1137 (B)(2)	Existing, but modified to include vegetated roofs	10% (\$90/acre/yr)	Roof rainwater harvesting and vegetated roofs	Rainwater harvesting collects stormwater from the roof and stores it for later use such as irrigation. Vegetated roofs capture a large percentage of roof rainwater through plant and soil absorption.	Cisterns (above ground and underground), green roofs
13.03.1137 (B)(3)	New	10% (\$90/acre/yr)	LID	Additional 10% for meeting stormwater requirements by using LID facilities.	Bioretention areas, infiltration planters, permeable pavement. Grassy swales are not eligible for this discount. It is intended for those going above and beyond standard practice.

Notes:

SRSB = Spokane Regional Stormwater Manual. Requirements of this manual must still be met regardless of type of facility used to meet it.

CSO Stormwater User Surcharge Discount Matrix

Rate: \$791.88/impervious acre/year

Code	Amendment?	Discount	Description	Explanation	Examples
13.03.1112 (B)(1)(a)	New	10% (\$79/acre/yr)	Roof rainwater harvesting and vegetated roofs	Rainwater harvesting collects stormwater from the roof and stores it for later use such as irrigation. Vegetated roofs capture a large percentage of roof rainwater through plant and soil absorption.	Cisterns (above ground and underground), green roofs
13.03.1112 (B)(1)(b)	New	10% (\$79/acre/yr)	LID	Additional 10% for meeting stormwater requirements by using LID facilities. This discount is for areas other than the roof surface.	Bioretention areas, infiltration planters, permeable pavement. Grassy swales are not eligible for this discount. It is intended for those going above and beyond standard practice.

Notes:

SRSM = Spokane Regional Stormwater Manual. Requirements of this manual must still be met regardless of type of facility used to meet it.

Draft LID Ordinance Financial Impact Analysis

Total Number of Accounts	3,806
Total Impervious Area	269,459

Total Number of Accounts also paying CSO Surcharge	461
Total Impervious Area also paying CSO Surcharge	21,214

****Accounts paying CSO Surcharge are also paying one of the regular commercial stormwater charges

Accounts Getting Stormwater Discounts

Discount	% of Customers	% of Imperious Area
No Discount	91.09%	74.07%
10% Discount	2.68%	4.01%
20% Discount	6.23%	21.91%
Total	100.00%	100.00%

1 Annual Revenues Under Current Rate Structure

Commercial Stormwater	2,310,083
CSO Surcharge	356,961
Total	2,667,044

2 Projected Revenues with Increased Utilization of Discounts

Assume that all customers receiving the 20% discount add rooftop LID and LID on the ground to receive a 40% discount

Commercial Stormwater	2,203,579.30
CSO Surcharge	356,961.00
Total	2,560,540.30

Effect on Revenue from Discount	(106,504)
--	------------------

***Revenue projections are based on percentage of impervious area receiving additional discount



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

July 3, 2013

Lynn Schmidt
Wastewater Management Department
909 East Sprague Avenue
Spokane, WA 99202

RE: City of Spokane Low Impact Development Ordinance revisions

Dear Ms. Schmidt:

The Washington State Department of Ecology (Ecology) supports the proposed revisions to the City of Spokane's (City) ordinances that eliminate barriers to the construction of Low Impact Development (LID) stormwater facilities.

The proposed changes enable the City to be a leader in Ecology's efforts to encourage use of LID techniques in the collection and treatment of Stormwater.

If you have any questions, please contact Douglas C. Howie, P.E. at douglas.howie@ecy.wa.gov, or (360) 407-6444.

Sincerely,

Bill Moore, P.E., Manager
Program Development Services Section
Water Quality Program

cc: Douglas C. Howie, P.E., Ecology, HQ
Jim Bellatty, Ecology, ERO
Grant Pfeifer, Ecology, ERO



July 2, 2013

Ms. Lynn Schmidt
Low Impact Development Subcommittee Chair
Wastewater Management Department
909 E. Sprague Avenue
Spokane, WA 99201

RE: Draft LID Ordinance Revisions
Public Hearing - City Plan Commission
July 10, 2013

Dear Lynn:

Coffman Engineers, Inc. (CEI) is pleased to submit this letter of general support for the proposed ordinance revisions to incorporate Low Impact Development (LID) guidelines for the City of Spokane. We understand the nature and genesis for this ordinance as both an allowance to implement LID best management practices as well as meeting the Consent Decree agreed with Spokane Riverkeepers. Coffman supports sustainable site development practices. However, on behalf of our clients, we strongly encourage that this ordinance remain optional and *not become a requirement of development in the future*. As shown in staff's simple Case Study, the costs to design/construct LID strategies can be significant with little chance for payback or return on investment - even with the proposed commercial Stormwater Charge discounts. In addition, there are significantly more operation/maintenance costs associated with LID site development and systems.

We look forward to opportunities to utilize these new guidelines as requests for LID are made by our clients. Thank you for the opportunity to provide comments and be part of the Stakeholders discussions. We look forward to working with City staff on future site development projects. Please let me know if you have any questions or comments regarding this letter.

Sincerely,

COFFMAN ENGINEERS, INC.



Thomas L. Arnold, P.E., LEED AP
Principal - Civil Department



July 1, 2013

Re: Draft Low Impact Development Ordinance Revisions

Dear City of Spokane,

The Lands Council would like to voice its support for the changes to the Spokane Municipal Code to encourage the use of low impact development (LID) in Spokane. LID is a stormwater and land use management strategy that strives to keep treat storm runoff by emphasizing the use of on-site natural features, site planning, and distributed stormwater management practices. Techniques such as harvesting rainwater can also conserve water and lower irrigation costs.

The Lands Council believes that LID is an important tool to helping the city implement an Integrated Clean Water Plan, which in turn will improve water quality in the Spokane River. We believe the changes to the municipal code will encourage and incentivize the use of techniques to keep stormwater on site and could lead to cost savings for property owners and developers.

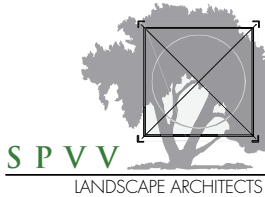
These changes are needed to guide property owners and developers in using LID techniques.

We are appreciative of the efforts that the city is making to improve stormwater management and believe LID can also add to the aesthetics of the city and quality of life for Spokane residents.

Sincerely,

Mike Petersen
Executive Director

25 W. Main Ave., Ste. 222 Spokane, WA 99201, Tel. (509) 838-4912, Fax (509) 838-5155, <http://www.landscouncil.org>



July 3, 2013

Lynn Schmidt
Wastewater Management Department
909 East Sprague Avenue
Spokane, WA 99202

RE: LID Ordinance

Dear Lynn:

I'm writing in support of the proposed Low Impact Development guidelines for the City of Spokane. As landscape architects, and in particular, landscape architects working with in a region with a sole-source aquifer, we have strived for many years to implement many of the practices within the guideline documents to protect our surface and subsurface waters and to be resource wise. I appreciate the amount of work involved to get to this point, and commend all who utilize sustainable site development practices.

I would ask however, that these guidelines be available as *optional* development strategies, rather than mandated requirements on projects. In our experience, LID can be the "right" solution for some projects, but not for others. The higher-than-average development costs of LID strategies, the relatively inexperienced base of contractors able to complete some of the types of work, the shorter lifespan of some of the technologies, and the significantly higher cost of some of the types of work have illustrated to us that only in some cases is there an acceptable return on investment when implementing LID strategies. As we are charged with protecting and enhancing the health, safety and welfare of the public, we must consider these higher development costs in the financial welfare of our clients and the public. I understand there are discount strategies that are possible to achieve, but the draft information that I have seen to date only discusses the potential reduction in ongoing yearly stormwater fees, and does not address the initial cost of development, which can be quite high. Some may find this misleading in terms of the program—I would encourage the City to make available some realistic information on the up front costs of these technologies.

SPVV looks forward to working with our clients where LID options can create environmental benefits along with being feasible over the longer term. I think that the LID option can allow designers to create work unique to the Spokane area within a larger framework that protects our groundwater, our rivers and streams; and offer incentives to specific projects that allow the entire project to succeed, where they might not have without LID.

Please contact me at your convenience if you have any questions or comments.

Many thanks,

A handwritten signature in black ink, appearing to read 'Thomas C. Sherry'.

Thomas C. Sherry, President
SPVV Landscape Architects



July 3, 2013

Lynn Schmidt, PE
Stormwater Permit Coordinator
Wastewater Management Department
909 East Sprague Avenue
Spokane, WA 99202

1101 West College Avenue
Spokane, WA 99201-2095

509.324.1500 | TEL
509.324.1464 | TDD
www.SRHD.org

Re: Letter of Support City of Spokane Low Impact Development Ordinance

Dear Ms. Schmidt and to the City of Spokane Planning Commission and City Council Members:

I wish to express my support for the adoption of the City of Spokane's Low Impact Development (LID) Ordinance.

I am the Technical Advisor for the Environmental Resources Program at the Spokane Regional Health District. A significant portion of my duties involves assessing the public health hazards presented by the Spokane River and advising the public on matters pertaining to those hazards such as heavy metals in river sediment and polychlorinated biphenyls (PCB's) impacting local fish consumption. Additionally I determine the length and severity of hazards associated with wastewater and sewage overflows which periodically impact the Spokane River via Combined Source Overflows (CSO's).

Adoption of the Low Impact Development ordinance will have a very constructive influence on the safety, improved quality and environmental health of the Spokane River and will be a positive local achievement in the interests of public health. By adopting the LID Ordinance this will enable the construction of LID storm water control methods that provide storm water treatment at its source, and greatly reduce the discharges of contaminated storm water and sewage affecting the Spokane River.

Sincerely,

ENVIRONMENTAL PUBLIC HEALTH DIVISION

A handwritten signature in black ink that reads "Michael F. LaScuola".

Michael F. LaScuola REHS-RS
Technical Advisor
Environmental Resources Program
Spokane Regional Health District



July 3, 2013

Lynn Schmidt, PE
Stormwater Permit Coordinator
Wastewater Management Department
909 East Sprague Avenue
Spokane, WA 99202

1101 West College Avenue
Spokane, WA 99201-2095

509.324.1500 | TEL
509.324.1464 | TDD
www.SRHD.org

Re: Letter of Support City of Spokane Low Impact Development Ordinance

Dear Ms. Schmidt and the City of Spokane Planning Commission and City Council Members:

I am writing to support adoption of the ordinance to promote Low Impact Development (LID) in the City of Spokane.

I work with small businesses (mostly in the City of Spokane) to provide pollution prevention technical assistance under Ecology's Local Source Control program, in conjunction with Urban Waters Initiative. The Urban Waters Initiative and Local Source Control programs were implemented by Ecology in Spokane County starting in 2007, to address the management of hazardous business waste and reduce contaminants discharged to the Spokane River in stormwater. The contaminants of concern include Polychlorinated Biphenyls (PCB's), Dioxins, Furans, PBDE's (Polybrominated Diphenyl Ethers – flame retardants) and metals (zinc, copper, etc.).

Currently in the city, the stormwater from many commercial property parking lots discharges to Underground Injection Containers (UIC's), also known as dry wells. Drywells bypass a significant depth of soil and do not provide pre-treatment of contaminated stormwater runoff. Commercial properties also discharge stormwater to street storm drains which either flow directly to the river untreated or into the combined sewage system for treatment at the wastewater treatment plant. LID bio-retention areas and infiltration planters, however, are capable of providing stormwater treatment at the source. In the LID research conducted at the WSU Washington Stormwater Center in Puyallup, properly constructed and maintained LID structures have shown very promising results in the removal of contaminants from stormwater.

Adoption of the Low Impact Development ordinance would enhance the environment and human health by encouraging the construction of LID stormwater structures to provide stormwater treatment on site, and reduce the discharges of contaminated stormwater to the Spokane River. This would contribute to improved river water quality and improved suitability of fish in the river for human consumption. In addition, encouraging the replacement of drywells with LID structures would provide improved stormwater treatment in water discharged to the ground to protect the Spokane Valley Rathdrum Prairie Aquifer, the source of the region's drinking water.

Sincerely,

ENVIRONMENTAL PUBLIC HEALTH DIVISION

A handwritten signature in black ink that reads "Sandra J. Phillips". The signature is written in a cursive, flowing style.

Sandra J. Phillips
EHS/Local Source Control Specialist
Environmental Resources Program
Spokane Regional Health District

BRIEFING PAPER
Public Works Committee
Wastewater Management
June 10, 2013

Subject

Ordinance revisions to encourage the use of Low Impact Development (LID) for stormwater management in the City of Spokane.

Background

In December 2009 the Spokane Riverkeeper filed a 60 day Notice of Intent to Sue with the City alleging violation of the City's Phase II Permit from the Washington State Department of Ecology and the Federal Clean Water Act. In August 2011, the City of Spokane and the Spokane Riverkeeper entered into a Consent Decree to resolve the allegations and to improve water quality in the Spokane River. Pursuant to the Consent Decree, the City of Spokane is required to develop a draft ordinance with monetary or other incentives for encouraging LID. This ordinance must be presented to City Council by August 19, 2013 for its consideration.

The Washington State Department of Ecology defines LID as a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

In addition to the Consent Decree requirements, the City of Spokane is also subject to the National Pollutant Discharge Elimination System (NPDES) Eastern Washington Phase II Municipal Stormwater Permit. The permit requires the City of Spokane to allow developers to use LID by December 31, 2017.

Simultaneously with the City of Spokane's process, several jurisdictions in Eastern Washington are developing an Eastern Washington LID Guidance Manual through a grant from the Department of Ecology.

Draft ordinance language has been developed by the City's Low Impact Development Subcommittee and Technical Advisory Committee. Included are provisions for stormwater fee discounts, allowance for the use of pervious concrete on sidewalks, encouragement to use LID in street layout design, and adoption of the Eastern Washington LID Guidance Manual as an optional reference for guidance on the design of stormwater facilities.

A Public Participation Plan was developed and outlines the opportunities for public involvement and input to the draft ordinance and Eastern Washington LID Guidance Manual. The LID Subcommittee also developed and distributed a utility bill insert, brochure, and website to introduce the citizens of Spokane to LID techniques.

To solicit public input to the draft ordinance content, the Subcommittee formed a Stakeholder Group. This group consists of representatives from the development community, construction and engineering firms, utilities, large institutional property owners, professional groups, environmental groups, and state agencies.

Impact

To allow and to encourage the use of LID for stormwater management. LID can benefit water quality in the Spokane River and aquifer by filtering out stormwater pollutants and emphasizing site conservation.

Action

Recommended approval

Funding

Funding is provided in the Wastewater Management budget.



Agenda Sheet for City Council Meeting of:

08/26/2013

Date Rec'd	8/14/2013
Clerk's File #	ORD C35023
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	PLANNING & DEVELOPMENT
Contact Name/Phone	ELDON BROWN 625-6305
Contact E-Mail	EBROWN@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	0650 FIRST READING ORDINANCE VACATION OF OHIO AVE/SUMMIT BLVD

Agenda Wording

Ordinance vacating Ohio Avenue and Summit Boulevard from College Avenue to Nettleton Street.

Summary (Background)

City Council considered the above vacation petition at its legislative session held October 8, 2012. First Reading of the Ordinance was held at that time. Since that time it has become necessary to modify the easement retained in the ordinance requiring a new first reading.

Fiscal Impact	Budget Account
Select \$	#
Select \$	#
Select \$	#
Select \$	#

Approvals		Council Notifications	
Dept Head	CHESNEY, SCOTT	Study Session	
Division Director	CHESNEY, SCOTT	Other	
Finance	LESESNE, MICHELE	Distribution List	
Legal	BURNS, BARBARA	lhattenburg@spokanecity.org	
For the Mayor	SANDERS, THERESA	ebrown@spokanecity.org	
Additional Approvals		sbarham@spokanecity.org	
Purchasing			